

March 23, 2012

To: Executive Board

Subject: **Federal Advocacy Services Contract**

Recommendation

Approve the Amended Federal Advocacy Services Contract with Baker, Donelson, Bearman, Caldwell & Berkowitz, to continue to provide federal advocacy services through December 31, 2017 for a fee of \$8,500/month through December 31, 2015, and \$9,000/month from January 1, 2016 through December 31, 2017.

Analysis

In January 1995, the Executive Board authorized staff to contract with Baker, Donelson, Bearman and Caldwell to provide technical assistance to Foothill Transit in its pursuit of federal capital funds. This contract was extended annually through 1999, when a competitive procurement took place. After a lengthy procurement process, including interviews with various Washington D.C. firms, Baker Donelson was awarded a three-year contract. In October, 2002 the Executive Board authorized a sole source contract award to Baker, Donelson, Bearman and Caldwell, to continue to provide federal advocacy services from October 31, 2002 through December 31, 2007 including two one-year options. In 2007, a second competitive procurement process took place that included interviews with a number of Washington, D.C. area advocacy firms. Baker, Donelson ranked highest and was awarded a three-year contract with two available option years that have been fully exercised and will expire on December 31, 2012.

Last year, Congress approved the 8th extension of SAFETEA-LU, the federal surface transportation authorizing law, through March 31, 2012. The original SAFETEA-LU legislation expired two and one-half years ago. Currently, the House of Representatives, the Senate and the Administration have each offered authorization proposals. The gridlock in Washington, D.C. makes it very likely that a final authorization bill will not be enacted until after the November general election and more likely well into 2013.

Continuity will be particularly important during this process of finalizing the most important transportation legislation our industry works on as well as other key issues including extensions of the alternative fuel tax credit and the public transportation commuter benefit that are pending final resolution in Congress. It would not be in Foothill Transit's overall interest to have a new consultant that would be faced with a significant learning curve and the necessity of establishing contacts and good working relationships with our delegation and the staff of our key committees on Capitol Hill during this critical legislative period.


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Baker, Donelson, Bearman, Caldwell & Berkowitz is well qualified to continue serving Foothill Transit because of the firm's understanding of our operation and the relationships they have developed with our congressional delegation. Their proposed fee of \$8,500/month through December 31, 2015 is the same as it is currently. In addition, they have a clear understanding of our specific federal funding requirements and important federally funded ongoing and potential future projects. Awarding a new contract will allow Baker, Donelson, to continue to provide its services in a quality manner without any interruption.

Financial Impact

Foothill Transit's draft FY 2013 Business Plan and future Business Plans will include funding for federal advocacy services.

Sincerely,



David Reyno
Director of Government Relations



Doran J. Barnes
Executive Director